

**KATHLEEN A. LEAVITT**  
**CHAPTER 13 BANKRUPTCY TRUSTEE**  
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E-File: 05/19/2009

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

**IN RE:**

**RICHARD BUCHALSKI JR**

Debtor(s).

**Chapter 13**  
**BKS-08-15586-LBR**  
**MOTION TO DISMISS FOR FAILURE TO**  
**MAKE PLAN PAYMENTS**  
**PRE-HEARING CONFERENCE**  
Hearing Date: July 09, 2009  
Hearing Time: 9:30 a.m.  
**MOTION TO DISMISS**  
Hearing Date: July 09, 2009  
Hearing Time: 2:30 pm

Comes now KATHLEEN A. LEAVITT, Chapter 13 Bankruptcy Trustee in the above captioned bankruptcy case and for her motion states and alleges as follows:

1. Debtor(s) filed an Original Petition under Chapter 13, Title 11 of the United States Code on May 30, 2008.

2. Debtors Plan was confirmed by the Court on 12/11/2008.

3. The Trustee requests that this case be dismissed pursuant to 11 U.S.C. § 1307 (c) for one or more of the following reasons, to wit:

(c)(6) Material default by the debtor with respect to a term of a confirmed plan to wit:

- Failure to make plan payments

The last payment by the debtor(s) was made on 04/14/2009 and the debtor(s) are \$2,210.00 in default under the terms of the current plan. Accordingly, Trustee requests an Order dismissing the case unless the debtor(s) **EITHER:**

- A. cure the default **AND** remain current with all future payments coming due, **OR**
- B. file a Modified Plan

WHEREFORE, the Trustee prays the Court issue an order dismissing the within case for the reasons as stated above and that expenses in the amount of \$0.00 be allowed in this case.

DATED: 5/19/2009  
LS

/s/ KATHLEEN A LEAVITT

Kathleen A. Leavitt  
CHAPTER 13 BANKRUPTCY TRUSTEE